

Emergency Legal Preparedness 2017 - Hurricanes Harvey | Irma | Maria

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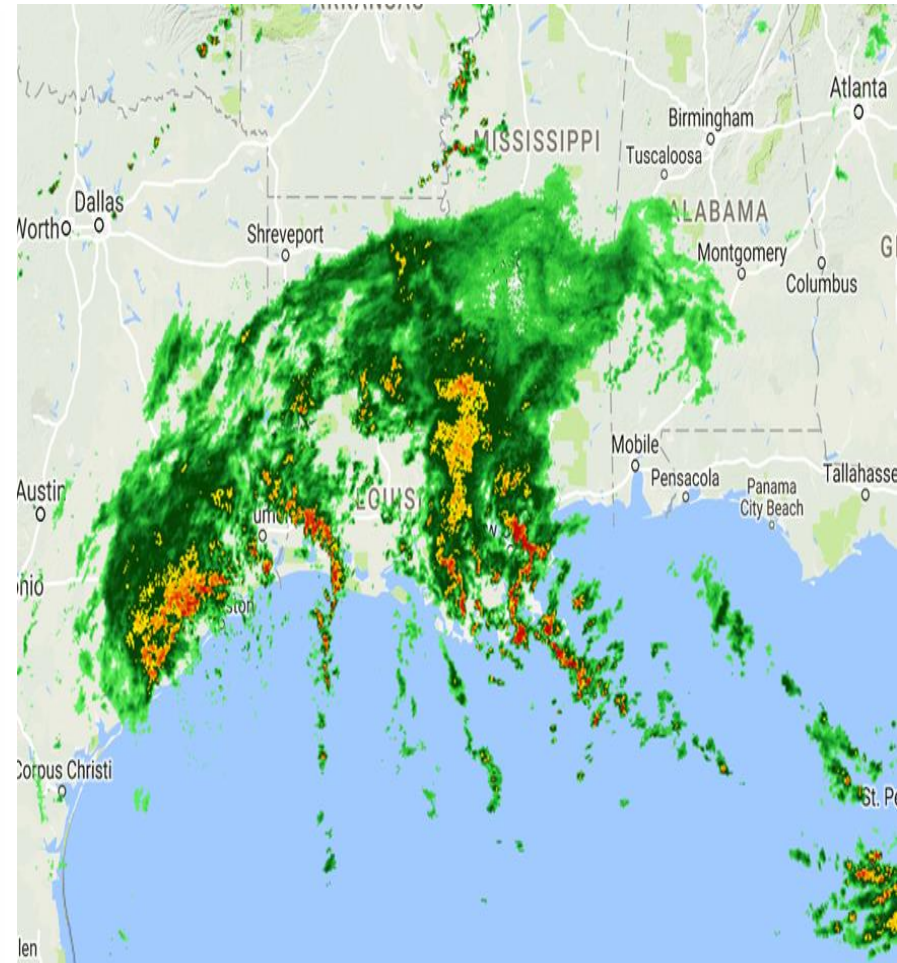
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*Pending Admission to the State Bar of Arizona

- Impacts of Hurricanes Harvey, Irma, and Maria
- Federal Declared Emergencies
- State Emergency Responses
- Emergency Legal Preparedness Issues
- Recommended Resources
- Contact Information for Technical Assistance

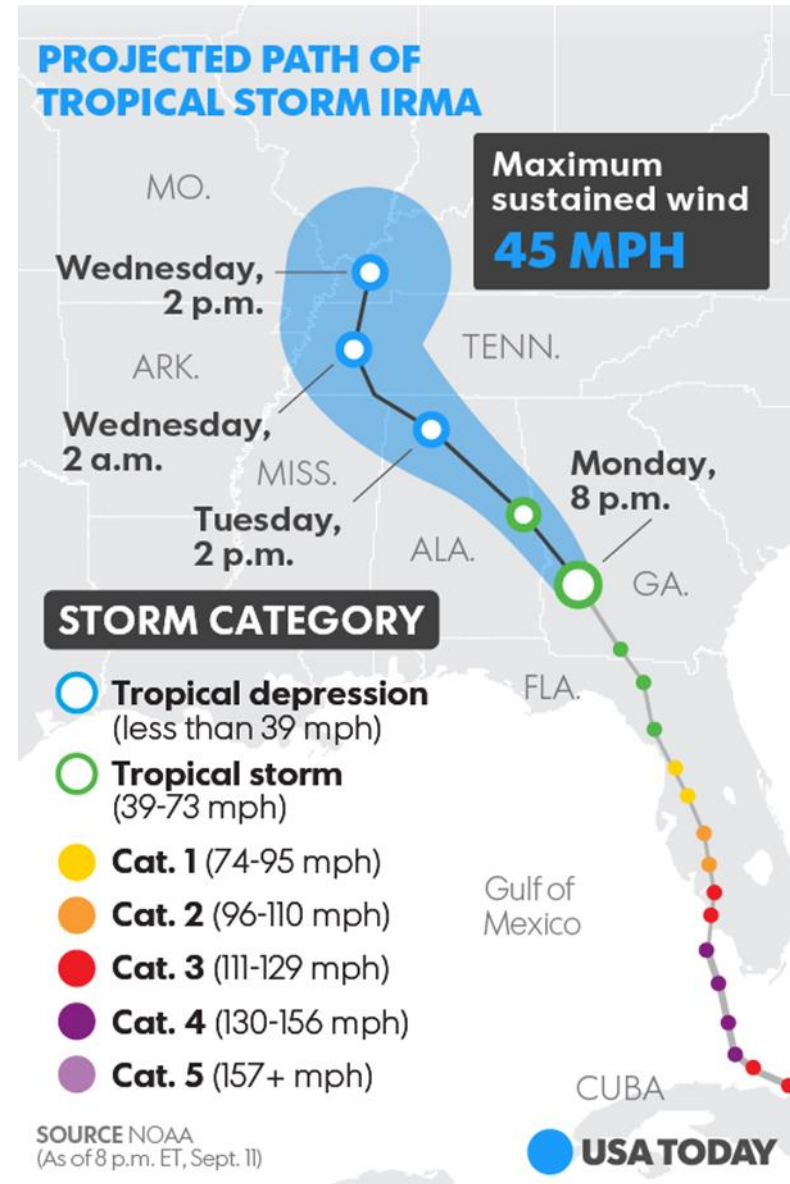
Hurricane Harvey: Impacts in Texas and Louisiana

- **8/25/17:** Hurricane Harvey (Cat-4) made landfall NE of Corpus Christi, TX; Harvey moved offshore then made a 2nd landfall at Copano Bay, TX
- **8/26/17:** Officials downgraded Harvey to a tropical storm
- **8/30/17:** Harvey makes landfall in Cameron, LA
- Some affected areas received > 50 inches of rain
- As of **10/2/17**, at least 82 people have been killed; thousands sought temporary shelter



Hurricane Irma: Impacts Throughout the Southeast

- **9/6/17:** Hurricane Irma (Cat-5) raked U.S. Virgin Islands and Puerto Rico, killing at least 7 people
- **9/8/17:** Irma downgraded to Cat-4
- **9/10/17:** Irma made landfall in Florida Keys as a Cat-4 storm. Irma was later downgraded to Cat-2
- **9/12/17:** Irma downgraded to a tropical depression as it traversed several southeast states



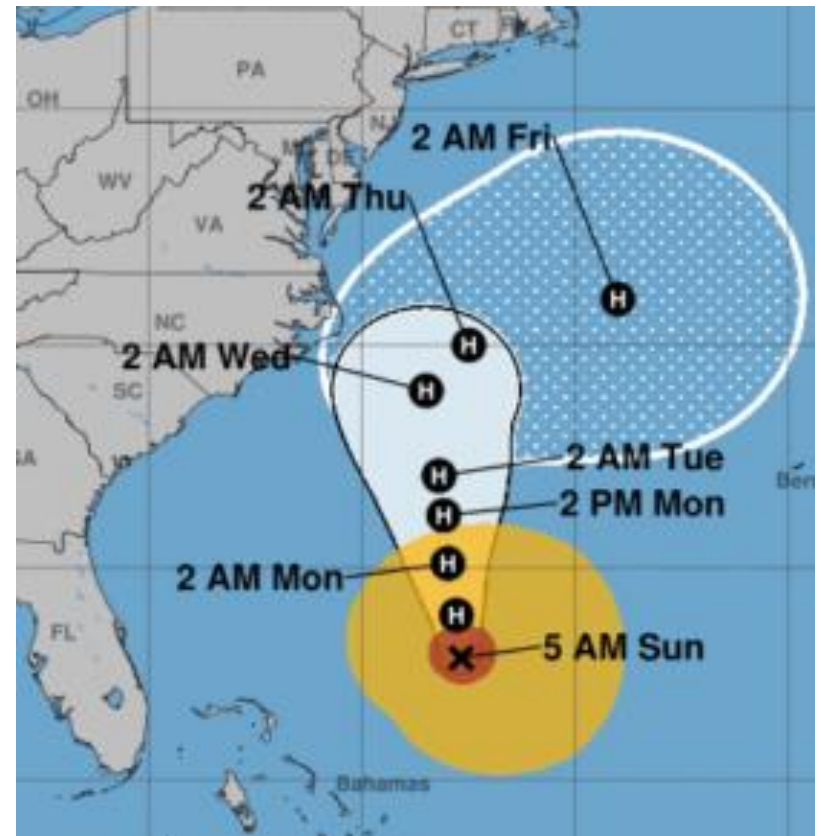
Hurricane Irma: Impacts Throughout the Southeast

- More than 6.5 million people in Florida ordered to evacuate
- Death toll estimates: at least 75 in Florida, 3 in Georgia, 1 in South Carolina, and 1 in North Carolina
- Florida power outages: estimates range from 5.4 million to 6.7 million
- Major flooding reported in Florida, South Carolina, and Georgia

(As of **10/2/17**)

Hurricane Maria: Impacts in U.S. Virgin Islands

- **9/19/2017:** Hurricane Maria (Cat-5) passes St. Croix, damaging 70% of buildings
- **9/20/17:** Maria (down-graded to Cat-4) is the 1st hurricane of its strength to hit Puerto Rico in 85 years
- **9/27/17:** Hurricane Maria heads to North Carolina's east coast as a tropical storm
- Together, Hurricanes Irma and Maria have killed an estimated 112 people in the Caribbean



Current Emergency Declarations*

Authorizes	AL	FL	GA	LA	NC	PR	SC	TX	TN	USVI
Coordination of disaster relief efforts among public health and/or emergency actors	X	X	X	X	X	X	X	X	X	
Deployment of emergency personnel	X	X	X	X	X		X	X		
Increased flexibility in providing emergency medical services and assistance to CMS beneficiaries		X	X	X		X	X	X		X
Licensure reciprocity		X		X					X	
Mandatory evacuations		X	X				X			
Prohibitions on price gouging	X	X	X		X		X	X		
Reallocation of state resources		X	X	X			X	X		
Reimbursement of private sector contributors to emergency response efforts		X						X		
Use of funds for emergency response efforts	X	X	X	X	X	X	X	X		X
Waiver or suspension of laws that could hinder/delay emergency response/ recovery	X	X	X	X	X		X	X	X	

* Last updated 10/2/17

Federal Emergency Declarations Authorized Under The Stafford Act

Hurricane Harvey:

- 8/25/17: Major Disaster Declaration in 28 Texas counties
- 8/28/17: State of Emergency in Louisiana



Hurricane Irma:

- 9/5/17: Emergency Declarations for Florida, U.S. Virgin Islands, and Puerto Rico
- 9/7/17: Emergency Declaration in South Carolina and Major Disaster Declaration in the U.S. Virgin Islands
- 9/8: Emergency Declaration for Georgia and Seminole Tribe of Florida

Federal Emergency Declarations Authorized Under The Stafford Act

Hurricane Irma (continued):

- 9/10: Major Disaster Declaration in Puerto Rico and Florida
- 9/11: Emergency Declaration in Alabama
- 9/15: Major Disaster Declaration in Georgia



Hurricane Maria:

- 9/18: Emergency Declaration in Puerto Rico and U.S. Virgin Islands
- 9/20: Major Disaster Declarations in Puerto Rico and U.S. Virgin Islands

Strengthening Hurricane Responses: Impact of Federal Emergency Disaster Declarations

- According to a White House [statement](#), the federal emergency declaration in TX directed the following federal aid toward recovery efforts:
"Assistance can include grants for temporary housing and home repairs, low-cost loans to cover uninsured property losses, and other programs to help individuals and business owners recover from the effects of the disaster."
- [According to Vice President Pence](#), the federal emergency declaration in TX enabled more than 8,500 federal personnel to be deployed to SE Texas
- [FEMA](#), in coordination with Department of Defense, established 3 Incident Support Bases in TX and LA to pre-position supplies like water, meals, blankets, and generators for disbursement upon request by state partners

Federal Public Health Emergencies

- Former HHS Secretary Tom Price declared the following **Public Health Emergencies** under section 319 of the Public Health Service Act:
 - 8/26/17: Texas (Harvey)
 - 8/28/17: Louisiana (Harvey)
 - 9/6/17: Puerto Rico, U.S. Virgin Islands (Irma)
 - 9/7/17: Florida (Irma)
 - 9/8/17: Georgia and South Carolina (Irma)
 - 9/19/17: Puerto Rico and U.S. Virgin Islands (Maria)
- Former Sec'y Price acted under the Social Security Act to temporarily waive or modify certain Medicare, Medicaid, and Children's Health Insurance Program requirements to provide emergency relief



Texas Emergency Declarations

- **8/23/17:** prior to Harvey's arrival, Texas Gov. Greg Abbott declared a state disaster for 30 Texas counties
- Operations Center elevated its readiness level and made available state resources to assist in preparation, rescue, and recovery efforts
- Texas' Supreme Court and Court of Criminal Appeals issued an emergency order authorizing modification and suspension of court procedures
- **Between 8/26/17-8/28/17:** Gov. Abbott added 28 more counties to the state disaster declaration
- **8/27/17:** Gov. Abbott established a **Texas National Guard Dual Status Command** to allow for a single commander of state and federal response forces; a day later he activated the entire Texas National Guard to assist in search and rescue efforts



Louisiana Emergency Declarations



- **8/24/17:** Gov. John Bel Edwards declared a **state of emergency** for the state of Louisiana:
“All arms of the state’s emergency preparedness and response apparatus are planning for the serious threat posed by Hurricane Harvey, and we are calling on all Louisianans throughout the state to do so as well. I will continue to direct all of the necessary resources to prepare[e] for the worst . . . State and local officials are working around the clock to monitor and respond to this potentially dangerous situation.”
– Gov. Edwards

Florida Emergency Declarations



- 9/4/17: Gov. Rick Scott declared a state of emergency for all 67 Florida counties:

“This state of emergency allows our emergency management officials to act swiftly in the best interest of Floridians without the burden of bureaucracy or red tape.”

– Gov. Scott



Executive Order: U.S. Virgin Islands



36 miles



9/4/17: U.S. Virgin Islands Governor Kenneth Mapp issued an Executive Order that:

- Directed the territory's Adjutant General to "mobilize such units of the National Guard as are necessary to maintain or restore public order, and to guarantee the safety of life and property" and authorized her to "seize arms, ammunition . . . [a]nd other property that may be required . . . for the performance of this emergency mission."
- Directed the Commissioner of Finance to disburse funds necessary for this mission.

- **9/6/17:** Gov. Henry McMaster declared a **state of emergency** for South Carolina
- **9/8/17:** Gov. McMaster **ordered** the mandatory evacuation of certain barrier islands
- He also signed an **executive order** calling for the immediate evacuation of 143 hospitals and nursing homes in 8 coastal counties

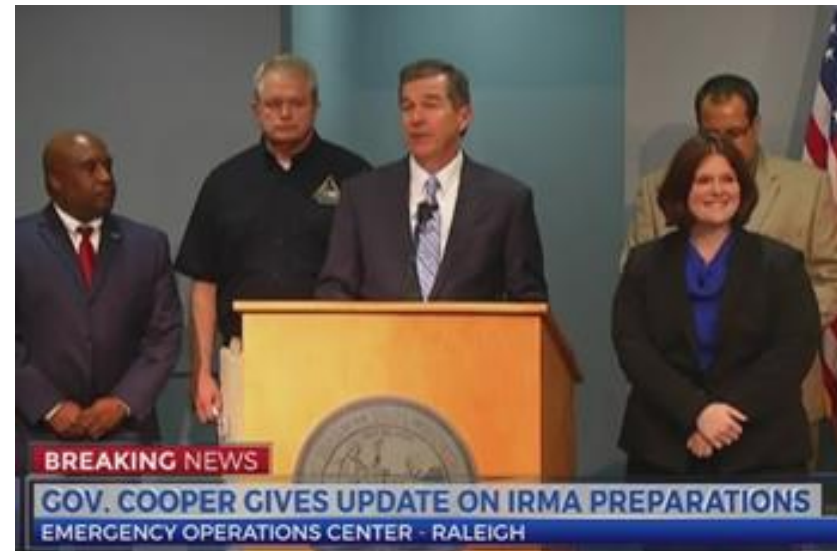


Georgia Emergency Declarations

- **9/6/17:** Gov. Nathan Deal declared a **state of emergency** for 6 Georgia counties prohibiting price gouging and waiving rules and regulations for vehicles transporting supplies, equipment, personnel, goods and services to assist with disaster relief
- **9/8:17:** Governor **ordered** mandatory evacuations of certain areas
- **9/10/17:** Governor **expanded the state of emergency** to all 159 counties in Georgia



- 9/6/17: Gov. Roy Cooper declared a **State of Emergency** for all 100 counties.
- Gov. Cooper also **ordered** a temporary suspension of motor vehicle regulations to ensure the restoration of utility services and transporting essentials, such as food and medicine



Tennessee Emergency Declarations



- **9/9/17:** Gov. Bill Haslam issued an Executive Order allowing (1) health care professionals licensed in other states to assist Irma evacuees, (2) pharmacists to dispense a 14-day supply of prescriptions to evacuees, and (3) evacuees to receive health dept. services usually requiring in-state residency
- **9/11/17:**
 - The State activated its Tennessee Emergency Management Plan (TEMP), which by law declared a state of emergency
 - Gov. Haslam also issued another Executive Order temporarily suspending motor vehicle regulations for vehicles supporting disaster relief efforts



- **9/20/17:** Puerto Rico Governor Ricardo Rossello issued an **Executive Order** establishing a mandatory curfew until 9/23/17. The Executive Order exempted health professionals and hospital employees working during curfew hours, government personnel tasked with relief and rescue operations, law enforcement, and members of the press and citizens addressing emergency situations.



The Jones Act: Legal Implications

- Under the federal Jones Act, foreign vessels cannot transport goods between U.S. ports like Puerto Rico, resulting in delays, higher prices for goods, and impediments to attaining key resources in disasters
- **9/8/17**: President Trump approved a limited waiver of the Act for mainland ports transporting resources in response to Hurricanes Harvey and Irma, but declined to do so for Puerto Rico, stating that “we have a lot of shippers . . . that don’t want the Jones Act lifted”
- **9/28/17**: In response to public backlash, President Trump signed a 10-day waiver of the Jones Act allowing vessels to deliver goods to Puerto Rico in response to Hurricane Maria
- Some Congressional lawmakers are pushing for a one-year waiver or complete repeal of the law



Emerging Legal Preparedness Issues



- *Expanding the Roles of Emergency Medical Services Providers: A Legal Analysis* (covering roles of EMS providers)
- *Legal Liability Protections for Emergency Medical/Public Health Responses*
- *Legal Issues Concerning Volunteer Health Professionals and the Hurricane-Related Emergencies In The Gulf Coast Region*
- *Emergency Management Assistance Compact* (EMAC) (re: EMAC implementation)
- *When Law Is Not Law: Setting Aside Legal Provisions during Declared Emergencies* (re: waiver and suspension of state laws to address emergency conditions)
- *§ 1135 Waivers* (on emergency waiver authority via Social Security Act)

Questions or comments?

Ask the Network for guidance or assistance on associated legal and policy issues:

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